



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/472,876 06/07/95 GARCIA

A TRD-001-1A

EXAMINER

LM61/0331

KILLWORTH GOTTMAN HAGAN & SCHAEFE
ONE DAYTON CENTRE SUITE 500
ONE SOUTH MAIN STREET
DAYTON OH 45402-2023

MEI, X

ART UNIT

PAPER NUMBER

2743

DATE MAILED: 03/31/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/472,876

Applicant(s)
Garcia et al.

Examiner
Xu Mei

Group Art Unit
2743



☒ Responsive to communication(s) filed on Dec 22, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 2, 5, 9, 14, 15, 17, 18, 24, 28, 29, 31, 33-35, and 37-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 2, 5, 9, 14, 15, 17, 18, 24, 28, 29, 31, 33-35, and 37-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2743

1. This communication is responsive to the applicant's amendment dated 12/22/1997.

2. Claims 2, 5, 9, 14-15, 17-18, 24, 28-29, 31, 33-35 and 37-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the inventions.

Regarding claims 31, 35 and 40, limitation(s) in lines 7-10, "the input audio signal is distorted so as to increase in amplitude as per increasing frequencies from a reference frequency up to an amplitude peak at a high frequency"; and lines 10-13 of claim 40, "so as to increase in amplitude as per decreasing frequencies from the reference frequency toward the low end and up to an amplitude peak at a low frequency" is incomplete. There is no limitation(s) regarding what happened for the signal from "the amplitude peak at a high frequency toward the high end of the signal" (claims 31, 35 and 40); and "the amplitude peak at a low frequency toward the low end of the signal" (claim 40). Claims 31, 35 and 40 are incomplete and confusing since the complete band of an input audio signal (with a high frequency end and a low frequency end) is not completely described as discussed above. Applicant is advised to put back the limitation(s) regarding this

Art Unit: 2743

matter to provide a complete description of a completed processing input audio signal.

Claims 2, 5, 9, 14-15, 17-18, 24, 28-29, 31, 33-35, 37-40, and 43-44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is (703) 308-6610.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


xm

03/28/1998


CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700